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Security Council

Sixty-sixth year

Provisional

6529th meeting
Monday, 9 May 2011, 10 a.m.
New York

President:	Mr. Araud	(France)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Yang Tao
	Colombia	Mr. Osorio
	Gabon	Mr. Messone
	Germany	Mr. Wittig
	India	Mr. Manjeev Singh Puri
	Lebanon	Mr. Salam
	Nigeria	Mr. Onemola
	Portugal	Mr. Cabral
	Russian Federation	Mr. Churkin
	South Africa	Mr. Laher
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Mrs. DiCarlo

Agenda

The situation in Bosnia and Herzegovina

Letter dated 3 May 2011 from the Secretary-General addressed to the President of the Security Council (S/2011/283)

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11-32875 (E)

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

Letter dated 3 May 2011 from the Secretary-General addressed to the President of the Security Council (S/2011/283)

The President (*spoke in French*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Croatia, Serbia and Turkey to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite His Excellency Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Pedro Serrano, Acting Head of the delegation of the European Union to the United Nations, to participate in this meeting.

I should like to draw the attention of Council members to document S/2011/283, which contains a letter dated 3 May 2011 from the Secretary-General transmitting the thirty-ninth report of the High Representative for Bosnia and Herzegovina.

I now give the floor to Mr. Inzko.

Mr. Inzko (*spoke in French*): Thank you, Mr. President, for giving me the opportunity today to present my fifth report as High Representative and the thirty-ninth report overall. Since my last presentation to the Security Council in November 2010 (see PV.6421), the political situation in Bosnia and Herzegovina has unfortunately continued to develop negatively. Today, regrettably, we are facing the most serious and most direct challenges to the Dayton Paris Peace Accord that we have seen since it was signed, more than 15 years ago.

It is for this reason that, in accordance with my mandate and in addition to my biannual report, I have submitted to the Council a special report on recent actions undertaken by the authorities in the Republika Srpska that clearly violate the Dayton Paris Peace Agreement. I hope that my reports and my briefing today will contribute to a better understanding of the current political situation in Bosnia and Herzegovina and the challenges that lie ahead.

(*spoke in English*)

More than seven months after the general elections, there is still no prospect for the formation of a new State Government, and many State institutions are under serious political, institutional and economic pressure — with a clear impact on their efficiency and functionality. The European Union (EU) and the Euro-Atlantic integration processes have come to a complete halt, and the economy continues to suffer.

The authorities in the Federation — which forms the larger part of Bosnia and Herzegovina — took office only after months of obstruction of the election of delegates to the Federation House of Peoples. The Government formation process was stalled by lengthy political disputes and interventions. I was forced to intervene, with the support of the Peace Implementation Council, when the appointment of the authorities was disputed through various legal challenges. In fact, there was broad consensus in the Peace Implementation Council that taking no action would have resulted in political and legal uncertainty, with the prospect of the setting up of two parallel and disputed Federation Governments, with two presidents in place, and potentially no budget and the subsequent dissolution of the Federation parliament, followed by new elections. These risks have been averted, and the Federation authorities now seem to be working efficiently.

The current situation in the Federation also comprises a philosophical dispute between ethnicity-based politics — where ethnicity is most important — and a more civic-oriented version of politics. In that regard, the Bosnian Croat parties of the Croatian Democratic Union have organized a council of Croat cantons and municipalities consisting of Croat majorities. While there are provisions in the Federation Constitution that foresee cooperation between cantons, such a development 15 years after Dayton is not really the direction in which we should be going.

These developments would be bad enough at a time when Governments should be redoubling their efforts to deliver the deep reforms the country needs to tackle the serious economic and social challenges its citizens are facing, and, of course, to make progress towards EU and NATO membership. However, within this already difficult climate, the authorities in

Republika Srpska have taken concrete actions that represent the most serious violation of the Dayton Paris Peace Agreement that we have seen since it was signed.

The conclusions and the decision on the referendum, which were adopted by the Republika Srpska National Assembly in April, are not only a clear breach of the Peace Agreement but also put into question all laws enacted by the various High Representatives by claiming they are in violation of the Peace Agreement. As such, the recent actions by the Republika Srpska, if allowed to stand, would have a major impact on the functionality and sustainability of Bosnia and Herzegovina. The High Representatives, in line with relevant Security Council resolutions, enacted a significant number of decisions and laws fundamental to the State of Bosnia and Herzegovina. I would mention just a few decisions taken that are now operational, namely, on Bosnia and Herzegovina's passport, flag, national anthem and coat of arms and on a single Ministry of Defence. I would remind the Council that before the single Ministry of Defence was created, there were three ministries of defence in existence. There have also been other key reforms, such as, inter alia, on border police.

The holding of a referendum on the High Representative's powers and on his decisions would be a serious breach of the country's constitutional framework and of its international obligations. It would also be contrary to annex 10 of the Dayton Paris Peace Agreement and to a host of resolutions adopted by the Security Council under Chapter VII of the Charter of the United Nations. In other words, such a referendum would also, in a way, challenge the authority of the Security Council and its relevant resolutions. In addition, the conclusions seek to undermine the entire constitutional system of the division of responsibilities between the State and the entities as established by annex 4 of the Peace Agreement, as well as the Constitution and the Constitutional Court of Bosnia and Herzegovina, which is an institution established by the Peace Accord.

With regard to Bosnia and Herzegovina's judicial institutions at the State level, which are specifically targeted by the referendum, I must point out that, under the Constitution of Bosnia and Herzegovina, the State has exclusive competence for international and inter-entity criminal law enforcement. The Court of Bosnia and Herzegovina and Bosnia and Herzegovina's Prosecutor's Office are institutions created with a view to enabling the State to exercise those precise State-level competencies.

On a technical but important point, and to avoid any misunderstandings, this referendum would be binding. Although there had been some statements suggesting that the referendum would not be binding, it would in fact be binding.

My approach to this challenge to the Dayton Paris Peace Agreement has been clear and fully consistent with my firm belief that dialogue should always be given a chance. In this regard, I expect the Republika Srpska authorities to rescind the adopted conclusions and the referendum decision in the coming days. Should that not happen, given my responsibilities to uphold the Peace Agreement, I will have no choice but to repeal the conclusions and referendum decision. In this regard, I have strong support from the Peace Implementation Council and the highest levels of the European Union.

In addition to the conclusions and the decision on the referendum, the authorities of Republika Srpska, and in particular its President, have openly continued to question the territorial integrity and sovereignty of Bosnia and Herzegovina by repeatedly threatening the sustainability of the country and by frequently advocating in favour of its dissolution. The authorities of Republika Srpska have also continued to undermine and question other key State-level institutions in the country. The policy behind that is to show that these institutions are dysfunctional and therefore not needed at the State level. The Republika Srpska authorities have also continued to deny that genocide took place in Srebrenica in 1995 — a fact which has repeatedly been confirmed by international tribunals.

Seven months after the general elections, the overall political situation in the country remains unsatisfactory and has made the formation of Government at the State level almost impossible. The legislative process at the State level remains at a standstill, and as a result there has been no progress addressing EU- and NATO-related reform agendas.

I believe that it would be a mistake to view these latest developments in Bosnia and Herzegovina as a short-term negative trend. We have in fact witnessed a downward trend in political stability for five years now, following the rejection of the April 2006 package of constitutional amendments. While we must now

focus on the immediate difficulties, I believe that it is also important to take a critical look at what we need to do to secure a functional and viable country in the long term. It is clear that we need to support the ownership principle in Bosnia and Herzegovina.

The Peace Implementation Council has continued to express strong concern about developments in the country, in particular about the events I have mentioned. At the same time, the Peace Implementation Council has noted that — with the exception of the objective related to the Brcko district — there has been little progress in implementing the conditions required for closing the Office of the High Representative.

On the State and defence property objectives, which are the first and second objectives, there has even been regression as the Republika Srpska authorities unilaterally adopted an entity law on State property in December that — had it entered into force — would have led to all State property in that entity being registered as Republika Srpska property. This would have made a comprehensive negotiated solution on State property impossible. Therefore, I had to suspend the application of that law pending a decision on its constitutionality by the Constitutional Court of Bosnia and Herzegovina. On defence property, Republika Srpska continues to refuse to grant the State the right of ownership over defence property.

In contrast, there has been progress addressing the outstanding conditions on the Brcko electricity issue. I hope that we will also be able to resolve the remaining issues soon. However, before this process can be recommended, the Republika Srpska is required to give proper and specific assurances on the constitutional status and rights of the Brcko district in the future, as well as on the terms of the Final Award, as the Federation has done already. The Federation has given assurances on Brcko, but the Republika Srpska has yet to do so.

As I mentioned earlier, the entire international community must take the deteriorating situation in Bosnia and Herzegovina very seriously. Further erosion of the State, its institutions and the rule of law will push Bosnia and Herzegovina into deeper crisis and instability. This could also have negative consequences for the entire region of South-East Europe.

In this regard, allow me to say a few words on how I think the international community should approach Bosnia and Herzegovina in the future. We all agree that the future of Bosnia and Herzegovina is within the European Union and Euro-Atlantic institutions. The EU and NATO therefore have an important role to play in Bosnia and Herzegovina in assisting the country to fulfil the requirements for its aspirations to membership in both organizations. This, by the way, is also the wish of the State Presidency.

At the same time, the need for an international presence with an executive mandate in Bosnia and Herzegovina is still evident. There are serious challenges to the State of Bosnia and Herzegovina coming from within the country, which demand the presence of the Office of the High Representative and the European Union Force in Bosnia and Herzegovina with an executive mandate. We should have sufficient tools to prevent attempts aimed at rolling back the previously agreed reforms and at creating instability.

It is important that Bosnia and Herzegovina remain on the international community's agenda until the job is completed. There are some who believe that it is now time to leave Bosnia and Herzegovina on its own; some talk about international fatigue in Bosnia and Herzegovina. It has also been repeated over the past two years that Bosnia and Herzegovina is no longer the focus of the international community. I do not share this view, and believe that such moves would open the door to those who would attempt to weaken and eventually divide the State, which could lead to renewed disorder.

The international community has achieved tremendous results in Bosnia and Herzegovina over the past 15 years. However, it is clear from the current political situation that we have not yet achieved a lasting and sustainable political settlement that would ensure a durable prospect of peace. To that end, we also enjoy very good support from neighbouring countries, President Tadić of Serbia and President Josipović of Croatia. One can say with some confidence that we now have the best regional situation of the past 20 years. This is not only about regional cooperation; it is also about regional reconciliation. That gives us reason to be optimistic.

Our continued attention on Bosnia and Herzegovina is the way to get to the objective that we all want to reach, in which Bosnia and Herzegovina is

able to solve its problems institutionally and on its own and move towards full Euro-Atlantic integration with full ownership of responsibilities.

Bosnia and Herzegovina is a gold mine of talent and full of people of excellence. We have to give those people and the country a chance. They can do it, I am sure. They only need some time and some patience. I am truly convinced that this can become a reality. I will, as High Representative and with the Security Council's help, therefore continue to dedicate all my efforts to assisting and supporting Bosnia and Herzegovina's efforts in this direction.

The President (*spoke in French*): I thank Mr. Inzko for his briefing.

I now give the floor to the members of the Security Council.

Mr. Laher (South Africa): South Africa welcomes the High Representative for Bosnia Herzegovina to the Security Council and thanks him for his briefing, which we have taken note of with concern.

The Dayton Peace Accords are a peace experiment aimed at achieving, as President Clinton said at the time, "unity in diversity". In commemorating its fifteenth anniversary last November, Secretary Clinton in her statement reminded us that

> "the Dayton Agreement is a cornerstone of peace and stability in Bosnia and Herzegovina today. It has provided a framework for rebuilding the nation's infrastructure, returning refugees and displaced persons to their homes, and helping citizens resume a normal life."

These are assessments that my delegation agrees with and strongly supports.

It is therefore with deep concern that we have taken note of recent developments in Bosnia, which hold the potential to undermine its unity, sovereignty and territorial integrity. As the country lies at the very heart of Europe, such a development would damage peace and stability in the Balkans and must be avoided at all costs.

It is our view that the peace and stability in Bosnia are dependent on a number of elements. The first is that all parties, including the international community, must respect the rule of law and the legal instruments that underlie the political structures in the country. It is crucial that the political leadership and the international presence remain focused on recognizing the balance brought about by Dayton and the subsequent political structures, and that they exert all efforts to ensure that this balance is respected and maintained. This is especially important in the completion of the Government formation process.

We are reminded of the fact that the Dayton Accords were supposed to be replaced by a permanent constitution in Bosnia, and we call on all parties involved to again start focusing on constitutional reform, which is the second element required for sustainable peace. No one is served by actions that take the country backwards from the constitutional reforms already agreed. The purpose of constitutional reform is to establish strong and representative State structures that supersede all other structures.

The third element is the need for dialogue between the parties, as none of what I have mentioned can be achieved without dialogue among the various ethnic groups and entities. Dialogue among the various structures and the High Representative is also crucial. Dialogue is essential for the adoption of the final Constitution. It will also facilitate the completion of the five objectives and two conditions, which, in turn, is required for the High Representative to complete his work and for Bosnians to take full responsibility for their country. Our delegation is concerned about the fact that no progress has been made in the implementation of those commitments. We call on all parties to redouble their efforts in that regard.

The fourth element is reconciliation. This should be the ultimate aim of continued dialogue. Essential for reconciliation is the commitment by all parties to fight impunity by brining to justice those accused of committing war crimes. This process must be executed in an impartial manner and by the judicial instruments agreed to by the various parties in Bosnia and Herzegovina. Reconciliation is undermined by rhetoric and inflammatory actions aimed at undermining the Bosnian State.

In conclusion, I want to quote President Clinton's statement when the Dayton Accords were completed, in 1995. He reminded us that

> "After so much bloodshed and loss and so many outrageous acts of inhuman brutality, it will take an extraordinary effort of will for the people of

> Bosnia to pull themselves from their past and start building a future of peace".

This is the final element that my delegation wants to highlight, namely, political will. We want to encourage all parties in Bosnia and Herzegovina to recommit themselves to the full implementation of their commitments under the Peace Accords and agreements. South Africa will remain dedicated in its task as a member of the Security Council to support Bosnia in those efforts.

Mrs. DiCarlo (United States of America): I would like to welcome High Representative Inzko back to the Security Council and to thank him for his comprehensive briefing and for his service on behalf of the international community.

Let me also acknowledge the dedicated service of Bosnia and Herzegovina on the Security Council, which demonstrates its commitment to playing a strong, responsible role in the international community. Bosnia and Herzegovina's term on the Council has also demonstrated that cooperation and consensus among the leaders of its constituent groups is possible, even on complicated matters of international peace and security. This, in turn, gives us hope that those leaders can find ways to work together to overcome their internal political difficulties.

More than 15 years ago, the international community came together with Bosnia and Herzegovina's leaders to end the terrible conflict and forge a blueprint for the way forward. The hard work in Dayton, Ohio, paved the way for the lasting peace from which Bosnia and Herzegovina continues to benefit. But today the foundations of that historic Agreement are being challenged, threatening to undercut many of the gains that the country has achieved since Dayton. The United States urges the parties to make every effort to work together across ethnic and party lines to maintain peace and stability in Bosnia and Herzegovina and throughout the region.

Let me make four points in reaction to Ambassador Inzko's report (see S/2011/283).

First, the United States would like to reiterate our full support for the authority of the High Representative under the Dayton Accords. His authority has been repeatedly affirmed in numerous Security Council resolutions. We agree that the recent conclusions adopted by the Republika Srpska National Assembly present a fundamental challenge to the Dayton Accords and constitute the most serious of a disturbing pattern of actions by the Republika Srpska in violation of the Agreement. These actions raise serious questions about the Republika Srpska's commitment to the rule of law and to Bosnia and Herzegovina's path to membership in the European Union (EU). They represent a setback to progress made on the 5+2 agenda towards closing the Office of the High Representative. And they will have a chilling effect on the Republika Srpska's ability to attract much needed foreign investment, complicating the already difficult road to economic recovery. The High Representative has our complete support in condemning these unwarranted and unlawful challenges to his authority. He will likewise have our full support in steps he takes to uphold Dayton and defend and preserve Bosnia and Herzegovina's sovereignty and territorial integrity. We are in the process of considering our own measures in support of Dayton and Bosnian State institutions, should they become necessary.

Secondly, we are extremely concerned about the absence of a State-level Government more than seven months after the general elections. The political stalemate impedes progress on crucial reforms that are a first step towards membership in the EU and NATO. Bosnia and Herzegovina's leaders must assemble a strong coalition Government that is capable of making the necessary reforms, or risk seeing Bosnia and Herzegovina fall behind on the path to integration. Progress is possible if politicians are prepared to set aside narrow ethnic and personal political agendas and work towards common goals. The increased coordination among members of the tripartite presidency provides us with optimism that this can happen.

Thirdly, the United States remains concerned about divisive and chauvinistic rhetoric. Hate speech, including deeply troubling denials of the Srebrenica genocide, severely undermines trust and has led to increased tension between citizens and their political representatives. All groups have the right to address their grievances, but calls for secession and territorial reorganization are unrealistic and destabilizing. They serve only to deepen ethnic mistrust and division.

Fourthly, let me again emphasize the importance of Bosnia and Herzegovina's continued cooperation with the International Criminal Tribunal for the Former

Yugoslavia. The country's law enforcement and judicial collaboration with regional partners to apprehend suspected war criminals across borders is a step forward. We encourage Bosnian authorities to build on that progress and further advance stability in the region by creating an institutional mechanism for such cooperation.

We welcome the EU's decision to enhance its representation in Bosnia and Herzegovina. We also welcome the contributions of the European Union Force in Bosnia and Herzegovina, which remain necessary for maintaining stability, in particular given the difficult political situation.

The United States is fully committed to the Dayton Accords and fully supportive of the High Representative. We remain hopeful that the elected leaders of Bosnia and Herzegovina will forge a consensus around defence, constitutional and other reforms necessary to peace and stability, and ultimately for EU and NATO integration.

Mr. Messone (Gabon) (*spoke in French*): I would also like to thank Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina, for his introduction of the report under consideration (see S/2011/283). We take note of the hopeful note in which he concluded his statement, just as we have taken note of the progress highlighted in the report in the area of security and of the difficulties that are unfortunately hampering the comprehensive implementation of the Dayton Peace Agreement. I would like to take this opportunity, on behalf of Gabon, to once again commend Mr. Inzko and his team for their efforts on the ground to implement the Agreement, as well as in connection with the reforms aimed at contributing to Bosnia and Herzegovina's integration into Europe.

As we underscored at our previous debate (see S/PV.6421), Gabon fully supports the efforts made by the international community to establish the rule of law in Bosnia and Herzegovina on the basis of stable and lasting institutions. We reiterate our support for the implementation for the Dayton Agreement, which is the foundation for the political process in the country. The report that has just been introduced to us provides a new opportunity to evaluate both the implementation of the Agreement as well as the current political and security situation.

With regard to security, my country welcomes the central role that the European Union Force in Bosnia and Herzegovina (EUFOR) continues to play in ensuring a stable environment in the region in spite of an increasingly tense political situation. We also welcome the decision taken recently by senior Bosnian officials to suspend the issuance of licences for the export of weapons and military material.

We are also pleased to note that current political developments are marked by improved cooperation among the three members of the new Presidency of Bosnia and Herzegovina. That original mechanism makes it possible to lay the foundation for breaking the political deadlock and to begin to establish an agreed transitional Government.

My Government also welcomes the fact that the general elections held in October 2010 were conducted smoothly and that the European Union has lifted visa requirements for Albanians and Bosnians in the Schengen area.

However, the gains made in the context of the Dayton Agreement are today at risk, and the international community must endeavour to preserve them. We are concerned at the persistence of several obstacles that are hampering the political process and the establishment of normally functioning institutions. I refer here to the difficulty of establishing a federal Government; the absence of an agreement on State property and on defence; and the challenge involved in ensuring the effective rule of law and the fiscal management of public finances. These are preconditions for the consolidation of peace and the building of a democratic State in Bosnia and Herzegovina.

We remain convinced that it is only through dialogue and political agreement that the parties will be able to achieve reconciliation in a situation characterized by two diametrically opposed approaches: that of a multi-ethnic, democratic and Euro-Atlantic society, and that of shared power among three nationalist oligarchies.

We urge all parties to engage in dialogue and to display tolerance, which are indispensable requirements for reconciliation and inter-communal unity. We condemn any calls for division or for a reassessment of the Dayton Agreement. We call on all parties to strengthen their cooperation with the High Representative, EUFOR, NATO and the International Tribunal for the Former Yugoslavia.

We would also note that EUFOR has played a vital role in improving the security situation. The international community in its turn must increase the aid it provides to the parties in order to achieve the five objectives pursuant to the Dayton Agreement and the two conditions established by the Peace Implementation Council. Respect by the parties for those requirements will facilitate the transition process whereby the Office of the Special Representative will replace that of the High Representative. Given current conditions, the mandate of the High Representative, which was extended until 31 August 2011, should be further extended. In that respect, we await the conclusions of the Steering Board of the Peace Implementation Council in July.

The building of Bosnia is first and foremost the responsibility of the people of Bosnia. We call on the political parties and actors to reject division and intolerance so as to construct a common destiny, one that reflects their deepest aspirations in a united resolve to live together with newfound unity.

Lastly, I should like to conclude by once again expressing our support for the work of the High Representative and for the recommendations he has made regarding future action.

Mr. Churkin (Russian Federation) (*spoke in Russian*): Today's meeting of the Security Council is taking place without the traditional participation of the Chairman of the Presidency of Bosnia and Herzegovina. We know that Mr. Radmanović underwent an operation that prevented him from coming to New York. We would like to wish him a speedy recovery.

We listened closely to the statement made by the High Representative for Bosnia and Herzegovina, Mr. Inzko. Unfortunately, his statement contained more emotion than objective analysis of the situation in Bosnia and Herzegovina. That also applies to the two reports presented by the High Representative to the Security Council.

In order to gain a more objective view of the processes under way in Bosnia and Herzegovina, we recommend that members of the Council read the letter sent by the President of the Republika Srpska, Mr. Dodik, to the Secretary-General and the President of the Security Council in response to the High Representative's accusations that the leadership of the Serb entity had violated the Dayton Agreement. We hope that that document will be transmitted by the President to members of the Council.

The main task of the international community at this stage of a Bosnian settlement is, in our view, the transfer of responsibility for the future of Bosnia and Herzegovina to the Bosnians themselves. In practice, that means replacing the Office of the High Representative with that of the European Union Special Representative and, to that end, returning to the implementation of the 5+2 agenda set forth by the Steering Board of the Peace Implementation Council.

The process of forming a new Government following the elections of 3 October 2010 is facing serious complications. We believe that the current crisis is caused by the shakeup of State institutions by, first and foremost, the Bosniak leaders. Moreover, a significant share of the responsibility lies with the High Representative, whose measures, taken on the basis of the Bonn powers, have consistently heightened tensions in the country and hindered the quest for an internal compromise. The main problem, in our view, is the unwillingness to take into account the views of the Serb and Croat representatives. We believe that only the representatives of those parties that were victorious in the elections from each of the peoples would fully reflect the choice of the population. Accordingly, the formation by the ruling party of a coalition that does not include the Serb party the Alliance of Independent Social Democrats, the Croatian Democratic Union and the Croat Democratic Union 1990, which is what the Bosniak leaders are trying to achieve, could lead to a violation of the interests of the Serb and Croat peoples of Bosnia and Herzegovina.

We have witnessed with concern the unilateral actions taken by the Bosniak side to form a new leadership of the federation that does not include the leading Croat parties. This approach violates if not the letter then the spirit of Dayton and is counterproductive and dangerous. The legitimacy of these steps is not only disputed by the Serbian and Croat political leaders but was also rejected by the Central Election Commission of Bosnia and Herzegovina. For all intents and purposes, the process of forming a new Government has been undermined.

With respect to the decision taken by the Parliament of the Republika Srpska to hold a referendum on the legitimacy of the actions taken by the High Representative — the subject of the special

report — we do not see a direct violation here of the Dayton Agreement. The reference by the High Representative to violations by the Serb entity of annexes 4 and 10 to the Dayton Agreement is not justified. Annex 4 does not contain any reference to a court and prosecutor in Bosnia and Herzegovina, and annex 10 grants the High Representative only the functions of interpreting the Dayton Agreements; it does not give him the authority to impose any changes which would interfere in the political process.

Moreover, the President of Republika Srpska spoke very clearly about the absence of separatist thought in the Serb entity. We believe that at this stage the actions of the Republika Srpska leadership do not go beyond their jurisdiction or violate the Agreement.

On that basis, we cannot agree with the decision taken by the High Representative on 27 March that overruled the Central Election Commission's decision on the formation of a new Government by the Bosniak entity. We see it as putting pressure on the leadership of Bosnia and Herzegovina in favour of one of the sides. The representative of the International Crisis Group, Ms. Arbour, spoke about this very clearly, saying that it was her view that the High Representative had shattered State institutions and the rule of law.

The continuing arbitrary use by the High Representative of the Bonn powers is unacceptable. Our principal position is that the application of the emergency mechanism is justified only in exceptional circumstances involving grave violations of the Dayton Agreement that threaten to destabilize the situation in Bosnia and Herzegovina; the current actions cannot be characterized in that way.

We call on the partners in the Steering Board not to dramatize the situation with the referendum but to focus on encouraging dialogue between the sides, which would take into account the concerns of the Serbian side about the activities of the Court and the Prosecutor. We know the validity of the comments and the dissatisfaction by the Serbian side with the activities of the Bosnian courts, which have long remained deaf to the international presence. Of the overall number of convictions by the Bosnian courts, 80 per cent have been in cases against Serbs. We are convinced that any vitally important decisions regarding the future of the country should be taken by the Bosnians themselves, on the condition that agreement be reached among the three State peoples of Bosnia and Herzegovina: Bosniaks, Serbs and Croats. In this context, we consider any attempt to impose any sort of constitutional reform on the Bosnian sides from the outside unacceptable. Such unilateral actions could worsen the situation in the country, as shown by the sadly well known case of the Butmir initiative.

In our view, the only way to find a solution to the political crisis is through dialogue leading to mutual concessions by the sides. We believe that decisions on the key questions of a settlement should be taken in the international forums we have agreed upon, namely, the Security Council and the Steering Board of the Peace Implementation Council.

Mr. Parham (United Kingdom): I express our thanks to the High Representative for his frank and dispassionate report. The United Kingdom strongly supports his ongoing work in Bosnia and Herzegovina and shares his deep concerns about the situation there and its deterioration over the past few months.

Seven months after elections, there is still no new State-level Government. This has blocked progress on reforms that are essential if Bosnia and Herzegovina is to function properly and move towards a future in the European Union (EU) and NATO. Nationalist rhetoric across the Federation continues to challenge the institutions and integrity of the State. Political leaders must urgently engage in negotiations to create a new State-level Government that is focused on, and able to deliver, crucial reforms. The Dayton framework requires political representation from all constituent peoples. Without flexibility and concerted effort, Bosnia and Herzegovina will remain stuck on the European Union accession track while its neighbours continue to move ahead.

We are concerned in particular by conclusions adopted by the Republika Srpska National Assembly on 13 April. Those conclusions, including the proposal to hold a referendum on the authority of State-level judicial institutions and the decisions of the High Representative, represent a clear breach of the Dayton Agreement. The conclusions are a direct attack on the High Representative, whose authority has been endorsed in numerous Security Council resolutions, most recently last November (resolution 1948 (2010)).

The Republika Srpska's actions threaten Bosnia and Herzegovina's overall stability. The Security Council cannot ignore or downplay the current

challenge. This is not a technical issue. As the report of the High Representative (see S/2011/283) highlights, these decisions must also be seen in the broader context of repeated rhetorical attacks by the Republika Srpska on State-level institutions and a policy of obstructing, undermining and questioning their authority. Alongside this, President Dodik has questioned the territorial integrity and sovereignty of Bosnia and Herzegovina, repeatedly questioned the sustainability of the country and, on occasions, openly advocated its dissolution.

We have seen the letter from the Republika Srpska authorities that Ambassador Churkin mentioned. We fundamentally disagree with the legal argumentation of the Republika Srpska authorities and firmly support the High Representative's analysis. The United Kingdom's view is clear: the High Representative derives his authority from the Dayton Peace Agreement, which has been endorsed by the Security Council under Chapter VII. It is therefore clearly inappropriate to make this authority the subject of a referendum. The Republika Srpska referendum question explicitly states that the State court and Prosecutor's Office were unconstitutionally formed. This fact has been refuted by the Constitutional Court of Bosnia and Herzegovina in three separate decisions. As the Republika Srpska acknowledges, the Constitutional Court's authority is established in the Dayton Agreement, and is therefore in the Bosnian Constitution. Its decisions are final and binding, and a challenge to the Bosnia and Herzegovina State Court that ignores those decisions represents a challenge to the Dayton Agreement. Republika Srpska state law should not touch on matters outside its own jurisdiction. Legally speaking, the status and powers of the High Representative are matters arising under the Dayton Peace Agreement and international law, which therefore do not fall within the purview of Republika Srpska.

We therefore welcome all efforts to persuade the Republika Srpska to withdraw its referendum proposal and instead engage in constructive dialogue. If, however, there is no decision of this nature by Republika Srpska authorities within the clear time frame set by the High Representative, the United Kingdom will strongly and firmly support the High Representative in taking whatever action he deems necessary to protect and uphold the United Nations-endorsed Dayton framework.

In this context, I would also draw the attention of the Security Council to the conclusions of the European Union Foreign Affairs Council in March, which expressed clear support for proposals from EU High Representative Ashton for possible EU restrictive measures. The EU now has a full range of tools and measures at its disposal to tackle challenges in Bosnia and Herzegovina. The March Council decision states that restrictive measures may be imposed against persons who undermine the sovereignty, integrity or security of Bosnia and Herzegovina or undermine the Dayton Peace Agreement.

Finally, the risk of spillover from the worsening political climate into the security situation has increased in recent months. As the High Representative makes clear in his report, the presence of the European Union Force in Bosnia and Herzegovina (EUFOR) continues to reassure citizens that they are safe despite the tense political situation. EUFOR's executive military mandate remains a crucial safeguard for Bosnia and Herzegovina.

Mr. Wittig (Germany): I would like to join my colleagues in thanking the High Representative for Bosnia and Herzegovina for his comprehensive and frank briefing. We welcome the significant contribution made by the Office of the High Representative to stability, peace and sustainable development in Bosnia and Herzegovina.

Germany aligns itself with the statement to be delivered by the representative of the European Union (EU).

We are pleased to see that the security situation continues to be stable. However, the past few months have seen few positive political developments in Bosnia and Herzegovina. On the contrary, unilateral attacks on the State of Bosnia and Herzegovina and its institutions have increased. There is a disconcerting lack of readiness to compromise and to overcome nationalist agendas.

In particular, Germany is concerned by the announcement by the Republika Srpska that it will hold a referendum on key State-level judicial institutions. The attempt to undermine the judiciary is alarming. Disrespect for the rule of law damages Bosnia and Herzegovina's potential for EU accession. We should be clear and unequivocal about that.

Germany welcomes and fully supports the current initiatives taken by the European External Action Service, the European Commission and the Office of the High Representative to find a solution to the issue of the referendum. If those endeavours fail, further measures have to be considered. The High Representative has Germany's full support. The initiative to hold a referendum is an assault on the political consensus rooted in the Dayton Accords, to which we are all committed.

Bosnia and Herzegovina needs to form an inclusive State-level Government as a matter of the utmost priority in order to tackle the reform priorities ahead. Bosnia and Herzegovina cannot afford to lose more time if it does not want to fall behind in the EU integration process. We will have to adapt the cumbersome structures of Bosnia and Herzegovina's Constitution and to bring them into line with the European Convention on Human Rights and the requirements of the EU integration process. Bosnia and Herzegovina needs to be able to speak with one voice when negotiating with the EU and in other international forums. Germany will continue to provide its support to Bosnia and Herzegovina in that field.

The current political crisis has again brought to the fore the fact that some politicians in Bosnia and Herzegovina are unwilling to place compromise and the wellbeing of the country and its citizens above their own nationalist agendas. Since Dayton, the policy approach of the international community has apparently not been sufficient to create incentives for compromise in Bosnia and Herzegovina. Dayton must remain the foundation of the State; But Bosnia and Herzegovina needs to build a European house on it. The Foreign Ministers of the EU have therefore decided to reinforce the EU presence. That will create positive incentives and leverage for the integration processes, and will help it to react when Bosnia and Herzegovina's stability is intentionally undermined.

Let me be very clear. For the EU, respect for the rule of law and the stability of potential candidate countries are crucial. We will not accept any fundamental shortfall of such requirements. In March, the EU's Foreign Affairs Council took a decision on restrictive measures against individuals putting the stability and integrity of Bosnia and Herzegovina at risk. If talks fail, the EU might feel obliged to consider the application of such measures.

Finally, let me raise an issue relevant to the future work of the Office of the High Representative and other international organizations. To safeguard the footprint of the Office in stabilizing Bosnia and Herzegovina, a sustainable solution for the immunity of present and former Office personnel needs to be found.

A stable, economically prosperous and democratic Bosnia, irrevocably proceeding along the path of EU integration, is the best guarantor of peaceful development in the region. Germany will continue to provide assistance to such development.

Mr. Cabral (Portugal): I, too, would like to welcome High Representative and European Union (EU) Special Representative Mr. Valentine Inzko and to convey to him Portugal's appreciation and support for his work in the interests of peace in Bosnia and Herzegovina. In that context, we also thank him for his recent report (see S/2011/283) and for today's presentation, all of which deserve our full support. Portugal aligns itself with the statement to be made later today by the European Union representative.

Today's debate finds Bosnia and Herzegovina facing a particularly difficult political situation that may have dire implications for national, regional and international peace and security. We appeal to the leaders of all three constituent peoples to work together constructively and to refrain from using divisive rhetoric in order to overcome the general political deadlock in that country, and in particular to urgently form a Government at the State level. The current stalemate harms the prospects of Bosnia and Herzegovina's future prosperity and the region's stability.

The decision taken unilaterally to hold a referendum in Republika Srpska on an issue that pertains to national sovereignty and the powers of the High Representative is a serious threat to political balance within the country and a challenge to the established constitutional order. The international community is rightly concerned by that threat to the Dayton framework, and the options available to deal with it are well known to all parties. In that context, Portugal reaffirms its support for the High Representative's authority. It is our belief that the national interests of Bosnia and Herzegovina and the country's territorial integrity and sovereignty must be preserved.

Today is Europe Day, and Portugal strongly believes that Bosnia and Herzegovina's future is with the European Union. It is our conviction that tangible progress at both the political and the technical levels is in Bosnia and Herzegovina's best interest, as it is a precondition to Euro-Atlantic integration. The EU's role in Bosnia and Herzegovina in general and in relation to the current situation is vital. It reflects a consistent political and economic commitment and deserves the international community's full support.

Portugal is proud to have participated in the international community's efforts to bring peace to the Balkans and to Bosnia and Herzegovina. Fifteen years of hard work and costly sacrifice by the Bosnian people and the international community should not and will not be reversed. The Bosnian people deserve peace and prosperity. Portugal trusts that the international community will continue to be fully engaged in working for a united, independent and peaceful Bosnia and Herzegovina.

Mr. Manjeev Singh Puri (India): I would like to join other colleagues here in welcoming the High Representative and to thank him for his extensive briefing. We have also gone through his reports and would like to express support for his efforts in the work that he is doing.

Bosnia and Herzegovina is a novel experiment in building a new nation from the rubble of civil war that the people of the former Yugoslavia had to endure during the 1990s. It is never easy to build a multi-ethnic, multilingual, multicultural and multireligious country. The problems that the High Representative has reported to us today are bound to be encountered on the path of building a nation inhabited by people of different faiths, ethnicities and languages. Representing a country of more than 1.2 billion with arguably the largest diversity, I commend the people of Bosnia and Herzegovina for their determination to form a nation based on unity and diversity, and wish them success in their endeavours. Our experience has convinced us that, although the path is long and arduous, the fruits are well worth the efforts.

The resolution of the problems facing the Bosnian people call for patience, determination and mutual accommodation. Unilateral actions, mutual suspicion and violation of the General Framework Agreement for Peace will only vitiate the political and social atmosphere and delay the achievement of their goals. We would like to congratulate Bosnia and Herzegovina on the successful and smooth conduct of elections in October 2010 to elect the members of the Presidency in the three Parliaments at the national level and one each for the two entities. The Parliament at the entity level has begun to function. We hope that the stalemate in the formation of the Federation House of Peoples will also be resolved and that the Parliamentary Assembly will be able to convene soon. The display of flexibility on the part of the parties and the avoidance of divisive rhetoric would contribute towards that goal.

In that context, we welcome the High Representative's assessment that the Presidency of Bosnia and Herzegovina is operational and that cooperation among the three members has improved in comparison to the previous mandate. We are glad to note that the European Union Force in Bosnia and Herzegovina has been able to maintain a safe and secure environment in Bosnia and Herzegovina, and we support the view of the High Representative that its executive mandate should be extended.

India's relations with Bosnia and Herzegovina are cordial and friendly, dating back to the decades of friendship that we enjoyed with all the constituents of the former Socialist Federal Republic of Yugoslavia. In India, there is enormous goodwill for the people of Bosnia and Herzegovina, who share common values of respect for plurality, diversity and democracy. In the early 1990s, we extended assistance as part of the United Nations mission to observe law and order, including the dispatch of police observers. Recently, we have been cooperating in the establishment of an information technology centre. We stand ready to help in any other way that we can in the process of Bosnia and Herzegovina's nation-building.

Mr. Onemola (Nigeria): Let me welcome and thank the High Representative, Mr. Valentin Inzko, for his update on developments in Bosnia and Herzegovina since his last briefing (see S/PV.6421).

We are pleased that the security situation in Bosnia and Herzegovina has remained calm. We note with satisfaction the positive developments, including the implementation of the decision to abolish short-term visa requirements for Bosnia and Herzegovina citizens holding biometric passports and the improved cooperation among the members of the Presidency. We welcome the further progress on rule of law issues, as

well as improved relations with the country's neighbours.

In spite of such improvements, we note that several difficult challenges remain, including the persisting climate of distrust among the political leaders and the lack of political will in implementing the Dayton Peace Agreement. Those misgivings are responsible for the limited progress on key reforms required for Euro-Atlantic integration and the completion of the five objectives and two conditions for the closure of the Office of the High Representative. We encourage political leaders to commit to the necessary reforms and the entire international community to support the country's efforts in that regard.

There is an urgent need for political leaders to refrain from nationalistic and anti-Dayton rhetoric, surmount their differences and demonstrate their resolve to address those differences through dialogue. It is also essential to promote national reconciliation and engender political trust, and for political leaders to be doggedly determined to remain united as a single entity, despite all odds.

We appreciate the valuable work of the High Representative and support his efforts to promote the entry of Bosnia and Herzegovina into the European Union and to facilitate the implementation of the Dayton Peace Agreement.

We commend the role of the European Union Force in Bosnia and Herzegovina, in collaboration with the armed forces of Bosnia and Herzegovina, in ensuring a safe and secure environment in the country. We welcome the contribution of regional and international partners in support of Bosnia and Herzegovina's efforts to sustain peace, stability and economic progress in the country. We are convinced that, with diligence and the necessary support of the international community, including this Council, Bosnia and Herzegovina will realize the vision of a stable, peaceful and prosperous country.

Finally, only political will to make concerted efforts at flexibility, consultative dialogue and respect for the various commitments made will ensure the sustainability of the progress built over the past few years.

Mr. Yang Tao (China) (*spoke in Chinese*): I would like to thank High Representative Inzko for his briefing. China welcomes the progress made in Bosnia and Herzegovina in such fields as security sector reform, enhancing the rule of law and economic recovery. We hope that all ethnic groups in Bosnia and Herzegovina will proceed on the basis of the long-term interests of the country in a spirit of mutual understanding and compromise; effectively implement the Dayton Peace Agreement; settle their differences through dialogue and negotiations; and increase mutual political trust to enhance national reconciliation. China looks forward to the formation of a new, broad-based Government in Bosnia and Herzegovina at an early date so as to ensure further progress in various aspects of national reconstruction.

China respects the independence, sovereignty and territorial integrity of Bosnia and Herzegovina, as well as the choice of all peoples of the country on the road to development. The future and destiny of Bosnia and Herzegovina lie in the hands of all of its peoples, whose right to self-determination should be duly respected.

China supports the international community's constructive role in resolving the question of Bosnia and Herzegovina. At the same time, the issues there are very complex and sensitive, involving not only Bosnia and Herzegovina itself, but also long-term peace and stability in the entire Balkan region. We hope that all parties concerned will settle their issues appropriately through dialogue and negotiations in a spirit of reconciliation and cooperation, avoid any escalation of tensions, and adopt effective measures to consolidate the achievements in the country's political process.

Together with the international community, China will continue to support and assist in efforts to achieve sustainable peace, stability and development in Bosnia and Herzegovina.

Mr. Salam (Lebanon) (*spoke in Arabic*): At the outset, I would like to thank the High Representative for Bosnia and Herzegovina, Mr. Inzko, for his comprehensive briefing and his report (see S/2011/283) on developments in the country.

We reiterate our support for Bosnia and Herzegovina in its endeavours to complete the implementation of the Dayton Accords and to achieve the goals set by the Steering Board of the Peace Implementation Council, which will lead to the closure of the Office of the High Representative.

The quiet and peaceful conduct of the general elections in October 2010 was followed by a period of semi-paralysis in the formation of a Government and an increase in political rhetoric. That is regrettable. We hope that more attention will be paid in the days to come to the formation of a representative Government that will promote the necessary reforms and conduct an open dialogue to achieve reconciliation.

We are concerned at the conclusions issued by the National Assembly of the Republika Srpska on 13 April, in which it questioned the role of the country's legal institutions. The Office of the High Representative views such statements as violating the Dayton Accords, the country's Constitution and the relevant Security Council resolutions.

We therefore call on the Republika Srpska authorities to abide by the letter and spirit of the Dayton Accords. In that connection, we reaffirm our backing for the independence and territorial integrity of Bosnia and Herzegovina. It is also important for all parties to refrain from taking measures, be they through constitutional reforms or the formation of new bodies of authority, outside the scope of the Dayton Accords or the country's Constitution. That would be counterproductive for all parties. All parties must enter into dialogue, negotiate on controversial issues and make mutual concessions with a view to arriving at a compromise acceptable to all parties. We realize that such an approach is complex, yet it provides a safety valve in multicultural societies. Local actors should play a leading role.

In conclusion, we fully support Bosnia and Herzegovina in its efforts to entrench the pillars of the State while achieving the requisite reforms to bring about stability and improve the welfare of its citizens.

Mr. Osorio (Colombia) (*spoke in Spanish*): My delegation would first like to express its thanks for the update report (see S/2011/283) on the events in Bosnia and Herzegovina. We underscore our support for the work of the High Representative for Bosnia and Herzegovina, Mr. Valentin Inzko, in overseeing the implementation of the Dayton Peace Agreement and coordinating the activities of the civilian organizations assisting the parties in that endeavour.

We also support his decisions in the context of annex 10 of the General Framework Agreement for Peace in Bosnia and Herzegovina, which have been endorsed by the Security Council in a number of resolutions adopted pursuant to Chapter VII of the Charter of the United Nations. I also recognize the valuable contribution of the Permanent Mission of Bosnia and Herzegovina to the work of the Security Council.

My delegation reiterates its support for the Dayton-Paris Peace Agreement on the establishment of the Federation of Bosnia and Herzegovina. We call on the parties to strictly fulfil their obligations thereunder. Similarly, we share and confirm the commitment of the Security Council to remaining vigilant to situations that could threaten international peace and security in the case of Bosnia and Herzegovina.

We are convinced that Bosnia and Herzegovina is a nation that has overcome difficult periods in its history and is attempting to consolidate its political, judicial and administrative institutions. That is why, on 21 January, we duly supported the presidential statement (S/PRST/2011/2) on the theme "Post-conflict peacebuilding: institution-building", given our understanding that its guidelines can be applied to nations seeking to resolve their problems peacefully and to ensure the well-being of their peoples in the wake of conflict. We recall that, in that presidential statement, the Council stresses

> "the importance of institution-building as a critical component of peacebuilding and emphasizes the importance of a more effective and coherent national and international response to it, so that countries emerging from conflict can deliver core Government functions, including managing political disputes peacefully, providing security and maintaining stability, protecting their population, ensuring respect for the rule of law, revitalizing the economy and providing basic services, which are essential to achieving durable peace."

Additionally, the Security Council emphasized that, in countries emerging from conflict, the principal responsibility for successful peace falls on the national Governments and entities, including civil society, and that the United Nations can play a fundamental role in supporting the development of national institutions. It therefore stated:

> "The Council acknowledges the need for continued improvement in the delivery of support in the immediate aftermath of conflict in order to help stabilize the situation, whilst at the same

time starting the longer-term process of institution-building, including those institutions that promote democratic processes and foster economic and social development, with a view to sustainable peace."

We therefore emphasize that the primary responsibility for the due implementation of the peace agreement falls to the authorities of Bosnia and Herzegovina. In this respect, we call on all the parties involved to support a political solution to the conflicts emerging from the former Yugoslavia, and to preserve the sovereignty and territorial integrity of all States in the area within their internationally recognized borders.

Colombia calls on the parties to overcome their differences and to consolidate a central Government and a Government of the Federation of Bosnia and Herzegovina in order to strengthen its institutions, in accordance with the "5+2" agenda. We also believe it important that there be a frank dialogue between the High Representative and the authorities of Bosnia and Herzegovina in order to resolve their differences.

Lastly, our delegation expresses its gratitude for the commitment of the European Union as a stakeholder in the region and for the work carried out by the European Union Force in Bosnia and Herzegovina.

Mrs. Viotti (Brazil): I wish to join previous speakers in welcoming High Representative Valentin Inzko and in thanking him for his briefing.

We are concerned by recent developments that could threaten the prospects of stability and peace in Bosnia and Herzegovina. Brazil reiterates its commitment to the sovereignty, territorial integrity and constitutional framework of Bosnia and Herzegovina. All efforts should be made to strengthen the State at the national level and, at the same time, to preserve the rights and prerogatives of all communal entities.

Challenges to the Dayton Peace Agreement and its institutional arrangements, as well as divisive rhetoric, must be avoided. The future of Bosnia and Herzegovina as a stable, prosperous and united country hinges on strict respect for the pertinent international and domestic legal provisions regarding the division of powers among the different levels of Government.

All actors must respect the authority of and cooperate with the High Representative. We call on all parties within Bosnia and Herzegovina to work constructively together to put an end to internal disagreements and build a country that reflects its multi-ethnic richness. We remain confident that all actors will continue to value the achievements of the past 15 years and uphold the General Framework Agreement for Peace. Bosnia and Herzegovina can prosper only if it remains united. All Bosnian parties should acknowledge that principle and refrain from any action that would undermine it.

We call upon the international community to continue to support Bosnia and Herzegovina as it strives to achieve sustainable political stability and socio-economic development. As multiculturalism increases all over the world, Bosnia and Herzegovina can set an example of how ethnic and cultural diversity can be managed and indeed become an asset. We are sure that, with the support of this Council, Bosnia and Herzegovina will overcome the present challenges and move towards a lasting political settlement that ensures durable peace.

The President (*spoke in French*): I shall now make a statement in my capacity as the representative of France.

I thank Mr. Inzko, High Representative for Bosnia and Herzegovina and Special Representative of the European Union, for his presence and his briefing to the Council. I welcome the contribution of the representative of Bosnia and Herzegovina to the work of our Council.

The European perspective, which has for many years been offered to all States of the Western Balkans, is not an empty promise. The liberalization of visas for all Bosnian citizens, which took place at the end of 2010 thanks to the efforts of political leaders, is evidence of this.

However, in spite of this hand extended by the European Union and of all the progress made over the past 15 years, the political situation in the country is seriously deteriorating. First of all, the lack of a Government is delaying reforms that would enable progress towards the European path. We therefore call on all Bosnian leaders to make the necessary compromises to form a Government.

Moreover, France is concerned by the questioning of the judicial institutions of Bosnia and Herzegovina and of the authority of the High Representative. We

warn the Republika Srpska against any initiative that would contravene the Dayton Peace Agreement and threaten the stability of the country. We call on the Republika Srpska to respect the peace accords, which are the foundation for the institutions of Bosnia and Herzegovina. More generally, the leaders of Bosnia and Herzegovina must return to dialogue, overcome their divisions and work towards creating a State.

France reaffirms its full support for the High Representative, the guarantor of the peace accords on behalf of the international community. We support his work, his dialogue with the Bosnian political representatives and any decision he may take to ensure respect for the institution.

I now resume my functions as President of the Council.

I give the floor to the representative of Serbia.

Mr. Starčević (Serbia): Let me, first of all, welcome His Excellency Mr. Valentin Inzko, High Representative for Bosnia and Herzegovina.

At the outset, I would like to reiterate the resolve of the Republic of Serbia to fully honour the Dayton Peace Agreement as a basis for stability in Bosnia and Herzegovina and the entire region of the Western Balkans. Serbia respects the sovereignty and territorial integrity of Bosnia and Herzegovina as a State of two entities and three constitutive peoples.

My country has no intention of interfering in the internal affairs of Bosnia and Herzegovina. Instead, it is fully committed to continuing, through cooperation with it and other neighbouring countries, its efforts aimed at bringing about reconciliation in the interest of achieving lasting stability in the region. We believe that the improvement of relations among the countries of the Western Balkans will lead to the achievement of our common goal of joining the European family of nations.

The position of Serbia is that a solution can be achieved only through dialogue and compromise between the two entities and the three constitutive peoples. We believe that the international community should treat the relations between the three constitutive peoples in Bosnia and Herzegovina with great care and respect for their mutual interests. Rather than calling into question the integrity of the country, every solution for Bosnia and Herzegovina should contribute to its peace and stability. Serbia encourages all parties in Bosnia and Herzegovina to make additional efforts to reach sustainable solutions to all open questions.

My country is opposed to any imposition of a solution, because solutions should be taken only by the legitimately elected political representatives of citizens. We consider the idea of suspending the representatives of certain peoples to be dangerous. Serbia is against divisions in principle, but also against the disqualification of some actors from political processes. Serbia supports the quest for a solution to start reform processes in Bosnia and Herzegovina. We believe that this quest would be helped by the closure of the Office of the High Representative and the cancellation of the so-called Bonn powers, because the legitimately elected representatives of all peoples and entities have the ability and capacity to assume responsibility for the independent conduct of affairs of State.

We consider that the announced referendum of the citizens of Republika Srpska on the Court and the Prosecutor's Office of Bosnia and Herzegovina has nothing to do with the territorial integrity of the country and is not in contravention of the Dayton Peace Accords. Without any intention to interfere in the internal affairs of Bosnia and Herzegovina, we believe that legislative initiative belongs only to competent assemblies formed by the legitimately elected representatives of citizens and that there are no powers on the basis of which it could be taken over by other governmental organs in Bosnia and Herzegovina or by the international presence.

Serbia welcomes the earlier decision taken by the European Union (EU) on the liberalization of the visa regime, which we see as an important step on Bosnia and Herzegovina's road towards membership in the European Union. We are of the opinion that additional, concrete encouragements from the EU are needed for further stabilization of the situation in Bosnia and Herzegovina, bearing in mind that EU membership is the common denominator for the peoples of Bosnia and Herzegovina.

We have special parallel ties with the Republika Srpska but, at the same time, we are very interested in deepening our relations, particularly economic relations, with the Federation of Bosnia and Herzegovina. Serbia participates in regular trilateral and regional meetings. It hosted some of them recently, at the highest level. We believe that such meetings are

a contribution and an impetus to the further promotion of good-neighbourly relations and intensification of regional cooperation, all of which will certainly help speed up the process of European integration.

The President (*spoke in French*): I now give the floor to the representative of the European Union.

Mr. Serrano (*spoke in French*): Thank you, Mr. President, for giving me the opportunity to speak on behalf of the European Union (EU).

(*spoke in English*)

The candidate countries Turkey, Croatia, the former Yugoslav Republic of Macedonia, Iceland and Montenegro, the country of the Stabilization and Association Process and potential candidate Albania and the European Free Trade Association countries Liechtenstein and Norway, members of the European Economic Area, as well as Ukraine and the Republic of Moldova, align themselves with this statement.

I would like to join other speakers in welcoming High Representative for Bosnia and Herzegovina and European Union Special Representative Valentin Inzko back to the Council and to reiterate the European Union's full support for his Office and his work.

The European Union shares the concern of the High Representative about the current political situation in Bosnia and Herzegovina. More than seven months after the elections of October 2010, we are still waiting for the formation of a Government at the State level. In addition, we have since seen a further deterioration of the political climate and little progress in key reform areas. It is crucial that a State-level Government be formed without further delay, that it restart the reform process and put the country on the road towards European Union integration. The European Union encourages the Security Council to send a message of strong concern, urging all political actors to find common solutions within the framework of the General Framework Agreement for Peace in Bosnia and Herzegovina.

In that context, we deem the recent decision by the Republika Srpska to hold a referendum challenging the authority of State judicial institutions within that entity and rejecting the authority of the High Representative as a step in the wrong direction. In recent meetings between EU officials and political representatives of the Republika Srpska we have made clear our strong concerns and our expectation that the referendum will not be held. While concerns related to the functioning of State institutions may be legitimate, they but must be expressed through appropriate mechanisms. It is clear that only mutually agreed reforms would be acceptable.

The European Union regularly encourages political representatives of Bosnia and Herzegovina to act with a greater spirit of compromise, to step up consultations and to work for the long-term interests of the country. The European Union has now called on political leaders of Bosnia and Herzegovina to engage in a constructive, structured political dialogue on legal issues and the judiciary. We also stand fully behind the authority of the High Representative. Moreover, we underline once more our firm commitment to the territorial integrity and sovereignty of Bosnia and Herzegovina and urge all to refrain from divisive rhetoric and actions that harm the interests of the citizens.

It is the prime responsibility of Bosnia and Herzegovina's political leaders to achieve concrete and tangible progress, including on the road towards EU integration, on the five objectives and two conditions for the closure of the Office of the High Representative and on constitutional reform. The European Union believes that, as a matter of priority, Bosnia and Herzegovina needs to bring its Constitution into compliance with the European Convention on Human Rights. The fulfilment of the obligations under the Interim Stabilization and Association Agreement with the European Union would demonstrate commitment to the EU integration process, be a key element for a credible membership application and avoid Bosnia and Herzegovina falling further behind the region on its way towards European Union accession.

The European Union is in the process of further strengthening its engagement in Bosnia and Herzegovina so as to support its progress towards EU accession through a comprehensive approach and significant financial assistance and expertise. It will soon enhance its political presence through a consolidated single EU representative. In addition, the European Union maintains two crisis management missions on the ground — the European Union Police Mission and the European Union Force Althea — which, as the Foreign Ministers of the European Union member States reaffirmed in March this year, are important elements of the overall EU strategy for Bosnia and Herzegovina. Operation Althea supports

Bosnia and Herzegovina's efforts to maintain a safe and secure environment and provides training to the Armed Forces of Bosnia and Herzegovina, while the Police Mission's activities centre on supporting the fight against organized crime and corruption.

The recent high-level visit to Bosnia and Herzegovina by the President of the European Commission, José Manuel Durão Barroso, underlined our unequivocal commitment to Bosnia and Herzegovina's European perspective and the preparedness of the EU to assume the leading role in that regard. Fifteen years after the signing of the Dayton Paris Peace Accord, Bosnia and Herzegovina's citizens deserve a qualitative step forward for their country on the path towards European integration. As the successful visa liberalization shows, when there is political will and readiness to reach compromise, Bosnia and Herzegovina is able to carry out reforms and to deliver on commitments. With this in mind — and on Europe Day 2011 — we encourage and appeal to its political leaders to put Bosnia and Herzegovina firmly on the way towards the European Union.

The President (*spoke in French*): I now give the floor to the representative of Turkey.

Mr. Müftüoğlu (Turkey): We join others in warmly welcoming High Representative Inzko and we thank him for his insightful briefing and for sharing with us his candid assessment of the situation in Bosnia and Herzegovina, which we fully share.

We believe that the Balkans continue to represent the essential test case for lasting peace and stability on the European continent. Sovereign, democratic, stable and functional States in the Balkans are indispensable for a free and integrated Europe, and we are encouraged by the developments in many parts of the Balkans towards that end. However, we are greatly concerned by the situation in Bosnia and Herzegovina, which faces its worst crisis and most serious risk of instability since 1995. While the international community anticipates ever more steadfast and ambitious steps towards the consolidation of an effective, stable and viable State within its internationally recognized borders, as foreseen in the Dayton Peace Accords, we are faced with a political system that is deadlocked, with a disturbing increase in nationalist and divisive rhetoric, including calls for the establishment of a third entity.

It has been seven months since the holding of the general elections, but a State-level Government has still not been formed. Unfortunately, due to the uncompromising positions of political leaders, there is not much room for hope that that will be done soon. At the level of the Federation, it has only recently been possible to form the new Government and assemble the Federation Parliament. While we regret that the Government and the Federation may not be optimally representative, despite local and international efforts, we welcome the fact that there is finally a Government. We hope that all stakeholders will now act responsibly and avoid blocking the functioning of the institutions or attempting to form parallel ones.

The main focus now should now be on the formation of the State-level Government. Without Governments and parliaments, there can be no progress in the reform process and thus no progress towards European Union or NATO membership. It is of crucial importance that the State-level Government be formed as a broad-based, inclusive and representative administrative structure that is strong enough to lead the country towards Euro-Atlantic integration and materialize much-needed reforms. We therefore call on all political stakeholders to be flexible and look for compromises in order to achieve a breakthrough.

Most worrisome in the general deterioration of the political climate in Bosnia and Herzegovina are the outright challenges of the Republika Srpska to the sovereignty, unity and territorial integrity of Bosnia and Herzegovina, its State institutions and its constitutional order. Calls such as those of the Republika Srpska's President for the dissolution of Bosnia and Herzegovina or the conclusions by the Republika Srpska National Assembly to hold a referendum questioning the authority and powers of the High Representative, the Court of Bosnia and Herzegovina and the Prosecutor's Office are unacceptable. These types of calls and unilateral actions amount to clear violations of the General Framework Agreement for Peace, are the most dangerous steps for the future of Bosnia and Herzegovina, and thus must be absolutely avoided. It is our expectation that a way will be found to repeal the conclusions and the referendum decision. Any legitimate concern must be expressed through appropriate mechanisms, and compromise solutions must be sought.

Turkey is a member of the Peace Implementation Council Steering Board and thus feels a special responsibility towards the Office of the High Representative. It has been more than three years since the Steering Board set five objectives and two conditions for the transition of the Office of the High Representative. While we are encouraged by the important progress made on some issues, we regret that the political stalemate in the country prevents progress on the outstanding ones. We firmly believe that the full implementation of the "5+2" agenda is absolutely necessary for the closure of the Office and for Bosnia and Herzegovina's Euro-Atlantic integration.

In this context, let me also underline that we are firm and resolute in our support for the High Representative. We ask him to continue his efforts. We expect him to make the decisions that he believes are required and to use the powers granted to him by the Council as needed to enforce those decisions. We do not agree that the actions of the High Representative and the personnel of his Office are unlawful, and we do not see such claims as helpful.

Turkey considers itself a good friend of Bosnia and Herzegovina. We have excellent bilateral ties and maintain close relations with all stakeholders in the country. In this vein, our Minister for Foreign Affairs, Mr. Davutoğlu, visited Bosnia and Herzegovina twice after the elections, and during his most recent visit he met with Bosniak leaders in Sarajevo, Mr. Dodik in Banja Luka and Croat leaders in Mostar.

Believing also that regional cooperation is an essential tool for normalizing relations between countries, we have established trilateral consultation mechanisms among Turkey, Bosnia and Herzegovina and Serbia, and Turkey, Bosnia and Herzegovina and Croatia; these have proven to be effective and resilient cooperation schemes. The second Trilateral Balkan Summit among Turkey, Bosnia and Herzegovina and Serbia was held in Karadordevo, Serbia, on 26 April and provided the leaders of the three countries with the opportunity to discuss all issues of common interest and look for joint solutions.

We believe in the future of Bosnia and Herzegovina and are doing our utmost to assist it in taking its rightful place in the European family of nations. For that reason, we call on all political leaders in Bosnia and Herzegovina to act with the long-term interests of the country in mind. What is needed is common vision and joint action, not the pursuit of narrow ethnic interests.

The President (*spoke in French*): I now give the floor to the representative of Croatia.

Mr. Vilović (Croatia): Allow me to extend my welcome to His Excellency Mr. Valentin Inzko, High Representative and Special Representative of the European Union (EU), and to thank him for his briefing and his report (see S/2011/283). Croatia aligns itself with the statement of the European Union, but allow me to make an additional statement in my national capacity.

The report presents a worrisome picture of a post-electoral Bosnia and Herzegovina where virtually no reforms have been implemented and progress towards EU and NATO integration has been effectively stalled. The situation has been further exacerbated by the use of nationalistic and divisive rhetoric. In this context, we agree with the assessment that it would be premature to close the Office of the High Representative this year.

Let me stress that the sustainable stability of South-East Europe is in Croatia's strategic interest. A clear Euro-Atlantic perspective is necessary for the whole region, and we believe that progress towards Euro-Atlantic integration is a precondition for the long-term stability of Bosnia and Herzegovina and countries in South-East Europe. We firmly support Bosnia and Herzegovina in implementing the necessary reforms, and we have invested a lot of effort in offering our assistance and experience on its EU and NATO integration path. We believe that membership of the European Union represents the most suitable framework for the overall development of all countries of South-East Europe.

Croatia and Bosnia and Herzegovina maintain a close relationship as two neighbouring and friendly countries that have common interests in many different areas. This fact has been exemplified by a series of high-level visits, the most recent of which occurred three months ago when the Presidency of Bosnia and Herzegovina visited Zagreb and held meetings with President Ivo Josipović and Prime Minister Jadranka Kosor. In addition, the Croatian President and Prime Minister issued three joint statements in which they emphasized Croatia's support for Bosnia and Herzegovina on its Euro-Atlantic path and confirmed its responsible policy towards Bosnia and Herzegovina

as a neighbouring sovereign country in which Croats are a constitutive people.

These joint statements and high-level visits of Croatian leaders represent a strong encouragement to Bosnia and Herzegovina and to the principle of the equality of all constituent peoples and citizens of Bosnia and Herzegovina. Croatia also supports the return of refugees to the country, primarily to the Republika Srpska.

Croatia has expressed concern at the ongoing political crisis in Bosnia and Herzegovina, which threatens to aggravate relations in the Federation and block the formation of a Government at the State level. Croatia regards the country's territorial integrity, its sovereignty and the equality of its three constitutive peoples as the basic preconditions for Bosnia and Herzegovina's stability and sustainability. Therefore, Croatia believes that, notwithstanding the current impasse in the formation of a Government, all parties in Bosnia and Herzegovina and the international community should strive to agree on a set of constitutional amendments that would move the country forward towards Europe, while preserving the full equality of all constitutive peoples and all citizens throughout the territory of Bosnia and Herzegovina.

We are concerned by the fact that the political option, which at present enjoys the support of the vast majority of Bosnian Croats, is not represented at all political levels. It is hard to imagine lasting constitutional reform that would make Bosnia and Herzegovina more effective and functional without the political option enjoying the widest popular support of one of the three constitutive peoples of the country. There should be no alternative to a structured political dialogue, and no effort should be spared to reach legitimate solutions. All important decisions in Bosnia and Herzegovina, especially those with potentially far-reaching consequences, should be made through the consensus of all three constitutive peoples. Otherwise, we may witness the emergence of two entities, each dominated by a single people and increasingly drifting apart. There is also the potential that precious time to implement the needed pro-European reforms will be lost.

In this regard, we agree with the previous speakers who have expressed serious concern about the unilateral decision of the Republika Srpska to hold a referendum on challenging the authority of State judicial institutions and rejecting the authority and past decisions of the High Representative. We believe that this decision should be reversed, as it undermines the constitutional structure of the country and could undo the positive developments achieved since the entry into force of the Dayton Peace Agreement.

If the referendum moves forward, it may foster new tensions in the country and the region. Croatia underscores that all parties should respect the Dayton Peace Agreement and the actions of the High Representative undertaken with the approval of the Security Council, acting under the authority of Chapter VII of the United Nations Charter.

Finally, the fight against impunity for war crimes is crucial to the normalization of the situation in Bosnia and Herzegovina. The two remaining fugitives, Ratko Mladic and Goran Hadzic, indicted for the most atrocious crimes committed in Bosnia and Herzegovina and Croatia, must be brought to justice. If they are not, the mandate of the International Tribunal for the Former Yugoslavia and its legacy in the region cannot be declared complete.

Mr. Barbalić (Bosnia and Herzegovina): I, too, want to thank the High Representative for his briefing. I feel the need to express my gratitude to all speakers who have expressed firm support for the process of State-building and the integration prospects of Bosnia and Herzegovina in the European Union.

However, after 15 years, instead of considering how we could stop discussing Bosnia and Herzegovina in the Security Council, we are again discussing certain aspects of peace and security in the country. It must therefore be understood that, for me and my delegation, it is quite a personal and emotional issue. We nevertheless feel the need to express both our gratitude and certain concerns.

Allow me to note that, when we discuss the situation in Bosnia, we have to be aware that we are not discussing the situation that prevailed 15 years ago. The current situation is one in which a lot has been achieved. My country is dealing with issues that were not a part of the problem 15 years ago, but are preventing the country from entering a new phase of integration and prosperity. In that regard, it is important to say that a lot has been achieved. The State- and institution-building processes, the return of refugees and the overall building of the State have been achieved and have been successful. In the current part

of the process, domestic parties have played a major role, in cooperation with the international community.

As a member of the Security Council, we have had the privilege not only to discuss policies across the world, but also to have had many lessons and examples before us that we are using today as a reminder that such instruments are being built on the basis of the experience of Bosnia and Herzegovina. When we deal with issues of post-conflict justice, we have to remember how much has been done in that field with regard to Bosnia and Herzegovina, the International Tribunal for the Former Yugoslavia, and the process of building institutions within a State in order to address the issue of justice.

For that reason, I have to express my concern over some comments that have been made with respect to the percentages of cases before domestic institutions involving the various ethnic groups. The point is that all war crimes have to be tackled, and that is the only way we should discuss this particular issue.

In that regard, I should also like to consider the position of the international community. The role of the High Representative is still important in supporting the capacities of State institutions to resolve institutional deadlocks. Such activities of the High Representative are aimed at the continuation of Euro-Atlantic integration, which is the strategic goal of Bosnia and Herzegovina. The Office of the High Representative, as the executive body of the Security Council in Bosnia and Herzegovina, not only is the main player in the theatre, but also represents the determination of the international community to support the sovereignty and territorial integrity of Bosnia and Herzegovina. The mandate of the High Representative is defined by annex 10 of the Dayton Peace Agreement and confirmed by Security Council resolution 1031 (1995), pursuant to the request of the signatories to the Agreement to follow-up on the Agreement's implementation. Moreover, the Bonn powers of the High Representative were confirmed by resolution 1144 (1997). However, that does not involve the Peace Implementation Council, which has only a non-obligatory advisory role defined later by an international conference.

Another issue that I have to address — and I understand that it is not easy to comprehend, but is important to stress in the light of certain comments that have been made — is the fact that Bosnia and Herzegovina is not solely the sum of three constituent peoples. It is a country with a tradition of multiculturalism and of people living together in cities and villages and working together. When we discuss the political situation in Bosnia, we have to be aware of the fact that we have more than just ethnic parties and structures; we have people working together. Thus, when we consider the internal affairs of the country in terms of the creation of a Government, we have to be fully aware that we are discussing not only ethnic groups trying to make political deals, but also political forces in which people of different ethnic groups work together for the common benefit of the country. I believe that this approach should, at the very least, be supported.

In conclusion, I want to emphasize the need for and prospects of regional cooperation. Our Presidency has done a lot in that regard. We have to stress that it is necessary to ensure mutual respect and non-interference in our internal affairs. We truly believe that this is a real and promising prospect. Certainly, in recent times Bosnia and Herzegovina has gone through a difficult political situation, but at the same time the Government has been structured at the entity level and at most of the local level. The Presidency is functioning; we are taking many positive steps in terms of working on regional cooperation, and our caretaker Government is also functioning in a way that is necessary to create one society.

For that reason, we believe that it is necessary for the international community to continue, together with domestic actors, to work resolutely to achieve the major goals of the country: integration and State-building. That is a prospect towards which we must look together with our neighbours in the region. I believe that this prospect is strong and the only correct path towards a common future.

The President (*spoke in French*): There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at noon.